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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,268	08/18/2000	Maureen A Lally	07072-935001	7446

23483 7590 09/17/2003

HALE AND DORR, LLP
60 STATE STREET
BOSTON, MA 02109

EXAMINER

TSAI, CAROL S W

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 09/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/642,268

Applicant(s)

LALLY ET AL.

Examiner

Carol S Tsai

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

ETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S.

Patent No. 5,953,689 to Hale et al. in view of U. S. Patent No. 6,487,562 to Mason, Jr. et al.

With respect to claims 1 and 6, Hale et al. disclose a method for measuring system performance in a mass storage system, the storage system having a plurality of disk drive storage elements controlled by a disk drive controller, the controller receiving commands and data from and returning at least data to a plurality of host computers, the method comprising the steps of: generating an input parameter containing sequence input of commands for operating the system for measuring system performance and generating from the input parameter sequence a test sequence a test sequence input identifying commands to be send to the storage system (see col. 3, lines 23-59); executing at at least one host computer a test request identified by the test sequence input, by sending commands to the mass storage system (see Abstract, lines 13-17; col. 1, lines 65 to col. 2, line 3; col. 3, lines 37-59; col. 5, lines 26-44; and col. 6, lines 55-57), accumulating, at

Art Unit: 2857

least the executing host computer, data regarding performance of the mass storage system, in response to the requests sent by the host computer, and processing the accumulated data regarding the performance of the mass storage system in response at least to one host-generated command (see Abstract, lines 17-27; col. 2, lines 3-8; col. 3, line 60 to col. 4, line 43; and col. 6, lines 61-67).

Hale et al. do not disclose the input parameter generated by a user through a graphical user interface.

Mason, Jr. et al. teach the input parameter generated by a user through a graphical user interface (see col. 2, lines 21-30; col. 2, line 50 to col. 3, line 2; col. 5, lines 22-64; and col. 9, lines 25-47).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hale et al.'s method to include the input parameter generated by a user through a graphical user interface, as taught by Mason, Jr. et al., in order to allow a user or system administrator to easily observe and configure system parameters (see Abstract, lines 12-14).

As to claims 2 and 3, Hale et al. do not disclose generating configuration data at the graphical user interface.

Mason, Jr. et al. teach generating configuration data at the graphical user interface (see Fig. 3; Abstract, lines 5-12; col. 3, lines 19-29; col. 5, lines 22-64; and col. 9, lines 25-30).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hale et al.'s method to include generating configuration

Art Unit: 2857

data at the graphical user interface, as taught by Mason, Jr. et al., in order to allow the user to monitor system behavior (see col. 9, lines 36-37).

As to claim 4, Hale et al. in combination with Mason, Jr. et al. do not disclose selecting, ~~using~~ the graphical user interface, from various test types for the input sequence of commands, in point and click fashion.

The Examiner takes Official Notice that selecting, ~~using~~ the graphical user interface, from various test types for the input sequence of commands, in point and click fashion, is well known in the art.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hale et al. in combination with Mason, Jr. et al.'s method to include selecting, ~~using~~ the graphical user interface, from various test types for the input sequence of commands, in point and click fashion, because pointing device, such as a computer mouse, a track ball, a stylus, or a tablet, that can be used to manipulate a pointer on a screen of a general-purpose computer in order to help user to be productive and get any information he needs on specific object or field or subject.

As to claim 5, Hale et al. also disclose defining a system configuration, test periods, and sequence of test repeats (see col. 4, lines 24-34 and col. 5, line 45 to col. 6, line 40).

Response to Arguments

4. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2857

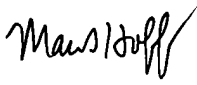
Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. Tsai whose telephone number is (703) 305-0851. The examiner can normally be reached on Monday-Friday from 7:30 AM to 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (703) 308-1677. The fax number for TC 2800 is (703) 308-7382. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2800 receptionist whose telephone number is (703) 308-1782.

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 308-7382. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.

Carol S. Tsai

09/06/03


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800